PART IV

Section—1-B.

ACTS OF THE CENTRAL LEGISLATURE AND ORDINANCES OF THE GOVERNOR-GENERAL WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 990—Legis. 18-49-10, dated Bangalore, 21st January 1950.

Ordered that the accompanying Cinematograph (Second Amendment) Act, 1949, (Act No. LXII of 1949) which received the assent of Governor-General on 26th December, 1949 and was published in the Gazette of India, Extraordinary, dated the 28th December, 1949, be republished in the *Mysore Gazette* for general information.

By Order,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. LXII OF 1949.

An Act further to amend the Cinematograph Act, 1918.

WHEREAS it is expedient further to amend the Cinematograph Act, 1918 (II of 1918), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Cinematograph (Second Amendment) Act, 1949.

(*2*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Amendment of section 1, Act II of 1918.—In section 1 of the Cinematograph Act, 1918 (hereinafter referred to as the said Act), for

sub-sections (2) and (3), the following sub-section shall be substituted, namely :—

"(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt within this Act."

3. Amendment of section 2, Act II of 1918.—In section 2 of the said Act,—

(*i*) after the definition of 'adult' the following definition shall be inserted, namely,

"Authority" means the Authority constituted by the Central Government under section 6; and

(*ii*) in the definition of "place", for the words "tent or vessel", the words "tent or any description of transport, whether by sea, land or air," shall be substituted.

4. Insertion of new section 2A in Act II of 1918.—After section 2 of the said Act, the following section shall be inserted, namely :—

"2A. *Rule of construction in the application of Act to Acceding States.*—In the application of this Act to any Acceding State, unless there is anything repugnant in the subject or context,—

(*a*) references to a Province or the Provincial Government shall be construed as references to that Acceding State or the Government of that Acceding State, as the case may be;

(*b*) references to the District Magistrate shall be construed as references to the corresponding authority in the Acceding State; and

(*c*) references to the official Gazette shall be construed as references to the corresponding official publication of that State."

5. Amendment of section 5, Act II of 1918.—For sub-sections (2) and (2A) of section 5 of the said Act, the following sub-sections shall be substituted, namely :—

"(2) The grant of every licence shall be subject to the conditions that the licensee will not exhibit, or permit to be exhibited, in such place—

(*a*) any film other than a film which has been certified by the Authority as suitable for unrestricted public exhibition or

for public exhibition restricted to adults, and which, when exhibited, displays the prescribed mark of that Authority, and has not been altered or tampered with in any way since such mark was affixed thereto ;

(*b*) any film which has been certified by the Authority as suitable for public exhibition restricted to adults to any person who is not an adult ;

(*c*) any film contrary to any directions that may be issued from time to time in this behalf by the Central Government under sub-section (*2A*),

and such conditions shall be deemed to be inserted in every licence.

(*2A*) The Central Government may from time to time issue directions to licensees generally, or to any licensee, in particular, for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited."

6. Substitution of new sections for sections 6 to 9, Act II of 1918.— For sections 6, 7, 8 and 9 of the said Act, the following sections shall be substituted, namely :—

"6. *Certification of films.*—(*1*) The Central Government may, by notification in the official Gazette, constitute an Authority in the prescribed manner for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults, and prescribe the manner in which the Authority shall exercise the powers conferred on it by this Act.

(*2*) If the Authority after examination considers that a film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of the film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in either case cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout the territories to which this Act extends.

(3) If the Authority is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision.

(4) Any person applying for a certificate, who is aggrieved by the decision of the Authority refusing to grant a certificate or to grant only an "A" certificate, may, within thirty days from the date of such decision, appeal to the Central Government, and the Central Government may, after such inquiry as it considers necessary, pass such orders thereon as it thinks fit.

(5) If the Central Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of the territories to which this Act extends.

(6) For the purpose of disposing of any appeal under this section, the Central Government may demand the exhibition of any film before any authority specified in this behalf.

(7) Notwithstanding anything contained in this Act, the Central Government may, of its own motion, by notification in the official Gazette, direct that—

(a) a certified film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends, or

(b) a film in respect of which a "U" certificate has been granted shall be deemed to be a film in respect of which an "A" certificate has been granted.

Explanation.—The grant of an "A" certificate in respect of any film shall not be deemed to prohibit the exhibition thereof to children below the age of three.

7. *Power of Provincial Government or local authority to suspend exhibition of films in certain cases.*—(1) The Provincial Government, in respect of the whole Province or any part thereof, and the District Magistrate or the Commissioner of Police, in respect of the district or town within his jurisdiction, may, if it or he is of opinion that any film, which is being publicly exhibited, is likely to cause a breach of the peace, by order suspend the exhibition of any film, and during such

suspension the film shall be deemed to be an uncertified film in the Province or the district or town, as the case may be.

(2) Where an order under sub-section (1) has been issued by a District Magistrate or a Commissioner of Police, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Provincial Government, and the Provincial Government may either confirm or discharge the order.

(3) No order made under this section shall remain in force for more than two months, but the Provincial Government may, if it is of opinion that any such order should continue in force for a further period, refer the matter to the Central Government for decision.

(4) On receipt of any reference under sub-section (3), the Central Government may, by notification in the official Gazette, direct that the period of suspension shall be extended by such further period as it thinks fit or that the film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends.

8. *Penalties.*—(1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or the rules made thereunder, or of the conditions and restrictions upon, or subject to, which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues, and his licence, if any, shall be liable to be revoked by the licensing authority.

(2) The exhibition of a film contrary to any order or direction under sub-section (5) or sub-section (7) of section 6 or section 7 shall, in the area to which such order or direction relates, be deemed to be a contravention of the conditions mentioned in sub-section (2) of section 5 and shall be punishable as provided in this section.

(3) If any person is convicted of an offence punishable under this Act committed by him in respect of any film, the convicting Court may further direct that the film shall be forfeited to the Government.

9. *Power to make rules.*—(*1*) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(*a*) the manner in which the Authority shall be constituted;

(*b*) the delegation of any of the powers of the Authority to such person or persons as the Authority may nominate in this behalf;

(*c*) the procedure of the Authority for examining and certifying films as suitable for public exhibition, and all matters ancillary thereto and the fees to be levied by such Authority;

(*d*) the appointment of officers subordinate to the Authority and the regulation of the powers and duties of such officers;

(*e*) the conditions subject to which any certificate may be granted under this Act or the circumstances in which any certificate shall be refused;

(*f*) the manner in which any appeal under this Act may be preferred;

(*g*) any other matter which by this Act is to be prescribed.

(*3*) The Provincial Government may make rules to provide for the regulation of cinematograph exhibitions for securing the public safety.

(*4*) All rules made under this Act shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Act.

(*5*) All rules made by the Central Government under this Act shall be laid before the Dominion Legislature as soon as may be after they are made.

10. *Power to give directions.*—The Central Government may give directions to any Provincial Government as to the carrying into execution in the Province of any of the provisions contained in this Act or of any rules or orders made thereunder.

11. *Power to exempt.*—The Central Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rule made thereunder."

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

No. L.D. 997—Legis. 18-49-11, dated Bangalore, 21st January 1950.

Ordered that the accompanying Indian Railways (Amendment) Act, 1949 published in the *Gazette of India*, Extraordinary, dated the 24th December 1949, be republished in *Mysore Gazette* for general information.

By Order,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

Acts of the Dominion Legislature assented to by the Governor-General

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 24th December, 1949.

The following Acts of the Dominion Legislature received the assent of the Governor-General on the 21st December, 1949 and are hereby published for general information :—

ACT No. LVI OF 1949.

An Act further to amend the Indian Railways Act, 1890.

WHEREAS it is expedient further to amend the Indian Railways Act, 1890 (IX of 1890), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Indian Railways (Amendment) Act, 1949.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.

2. Omission of section 30, Act IX, of 1890.—In the Indian Railways Act, 1890 (hereinafter referred to as the said Act), section 30 shall be omitted.

3. Amendment of section 31, Act IX of 1890.—In section 31 of the said Act, for the words "the two last foregoing sections" the word and figures "section 28" shall be substituted.

4. Substitution of new section for section 32, Act IX of 1890.—For section 32 of the said Act, the following section shall be substituted, namely :—

"32. *Power of general controlling authority to fix terminal and other charges.*—The general controlling authority may, by general or special order, fix the rates of terminal and other charges for the whole or any part of a railway, and prescribe the conditions in which such rates will apply."

5. Substitution of new section for section 41, Act IX of 1890.—For section 41 of the said Act, the following section shall be substituted, namely :—

"41. *Complaints against a railway administration.*—(1) Any complaint that a railway administration—

(a) is contravening the provisions of section 28, or

(b) is charging station to station rates or wagon load rates which are unreasonsable or rates which are unreasonable owing to any condition attached to them regarding minimum weight, packing, assumption of risk or any other matter, or

(c) is levying charges (other than standardised terminal charges) which are unreasonable, or

(d) is unreasonably refusing to quote a new station to station rate, or

(e) has unreasonably placed a commodity in a higher clause, may be made to the Tribunal, and the Tribunal shall hear and decide any such complaint in accordance with the provisions of this Chapter.

(2) In the case of a complaint under clause (*a*) of sub-section (1),—

(*i*) whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the railway administration,

(*ii*) in deciding whether a lower charge does or does not amount to an undue preference, the Tribunal may, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary in the interests of the public.

(3) In the case of a complaint under clause (*d*) of sub-section (1), the Tribunal may fix a new station to station rate.

(4) A complaint under this section may be made jointly against two or more railway administrations."

6. Amendment of section 47, Act IX of 1890.—In sub-section (1) of section 47 of the said Act, for the words "railway administered by the Government" the words "railway administered by the Central Government any Provincial Government or the Government of any Acceding State" shall be substituted.

7. Amendment of section 72, Act IX of 1890.—In section 72 of the said Act, sub-section (2) shall be omitted.

8. Insertion of new section after section 72, Act IX of 1890.—After section 72 of the said Act, the following section shall be inserted, namely :—

72A. *Execution of forwarding notes in respect of animals or goods carried on a railway.*—Any person delivering to the railway administration any animals or goods to be carried on a railway shall,—

(*a*) if the animals or goods are to be carried by a train intended solely for the carriage of goods, or

(*b*) if the goods are to be carried by any other train and consists of articles of any of the following categories, namely :—

(*i*) articles carried at owner's risk rates ;
(*ii*) articles of a perishable nature ;

(*iii*) articles mentioned in the Second Schedule;

(*iv*) articles defectively packed or in a defective condition;

(*v*) explosives and other dangerous goods,

execute a note (in this Act referred to as the forwarding note) in such form as may be prescribed by the railway administration and approved by the Central Government, in which the sender or his agent shall give such particulars in respect of the animals or goods so delivered as may be required."

9. Substitution of new section for section 73, Act IX of 1890.—For section 73 of the said Act, the following section shall be substituted, namely:—

"73. *Further provision with respect to the Liability of a railway administration as a carrier of animals.*—(*1*) The responsibility of a railway administration under section 72 for the loss, destruction or deterioration of any animal delivered to the administration for carriage by railway shall not exceed the amount respectively specified in column two against the item relating to the animal in column one of the First Schedule, unless the person delivering the animal to the railway administration declares in writing a higher value in the forwarding note and has paid or engaged to pay to the railway administration a percentage specified by it upon the excess of the value so declared over the respective sums mentioned in the second column of the said Schedule.

(*2*) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(*3*) Nothing contained in this section shall render the railway administration liable for any damage or loss arising from fright or restiveness of the animal."

10. Insertion of new sections after section 74, Act IX of 1890.—After section 74 of the said Act, the following sections shall be inserted, namely:—

"74A. *Liability of a railway administration for goods in defective condition or defectively packed.*—(*1*) When any goods tendered to a railway administration for carriage by railway—

(*a*) are in a defective condition as a consequence of which they are liable to deterioration, leakage, wastage or damage in transit, or

(*b*) are either defectively packed or packed in a manner not in accordance with the general or special order, if any, issued under sub-section, (2) and, as a result of such defective or improper packing, are liable to leakage, wastage or damage in transit,

and the fact of such condition or defective or improper packing has been recorded by the sender or his agent in the forwarding note, the railway administration shall not be responsible for any deterioration, leakage, wastage or damage, or for the condition in which such goods are available for delivery at destination, except upon proof of negligence or misconduct on the part of the railway administration or of any of its servants.

(*2*) The general controlling authority may, by general or special order, prescribe the manner in which goods tendered to a railway administration for carriage by railway shall be packed.

74B. *Liability of a railway administration for goods carried in open vehicles.*—When any goods which, under ordinary circumstances, would be carried in covered vehicles or vessels and would be liable to damage if carried otherwise, are, at the request of the sender or his agent recorded in the forwarding note, tendered for carriage by railway in open vehicles or vessels, the railway administration shall not be responsible for any destruction, deterioration or damage which may arise only by reason of the goods being so carried.

74C. *Liability of a railway administration for animals or goods carried at owner's risk rate.*—(*1*) When any animals or goods are tendered to a railway administration for carriage by railway and the railway administration provides for the carriage of such animals or goods either at the ordinary tariff rate (in this Act referred to as the railway risk rate) or in the alternative at a special reduced rate (in this Act referred to as the owner's risk rate), the animals or goods shall be deemed to have been tendered to be carried at owner's risk rate, unless the sender or his agent elects in writing to pay the railway risk rate.

(*2*) Where the sender or his agent elects in writing to pay the railway risk rate under sub-section (1), the railway administration shall issue a certificate to the consignor to that effect.

(*3*) When any animals or goods are carried or are deemed to be carried at owner's risk rate, a railway administration shall not be responsible for any loss, destruction or deterioration of or damage to such goods from any cause whatsoever except upon proof that such loss, destruction, deterioration or damage was due to negligence or

misconduct on the part of the railway administration or of any of its servants.

74D. *Burden of proving misconduct where goods carried at owner's risk rate are not delivered to the consignee or are pilfered in transit.*— Notwithstanding anything contained in section 74C,—

(*a*) where the whole of a consignment of goods or the whole of any package forming part of a consignment carried at owner's risk rate is not delivered to the consignee and such non-delivery is not proved by the railway administration to have been due to any accident to the train or to fire, or

(*b*) where, in respect of any consignment of goods or of any package which had been so covered or protected that the covering or protection was not readily removable by hand, it is pointed out to the railway administration on or before delivery that any part of such consignment or package had been pilfered in transit,

the railway administration shall be bound to disclose to the consignor how the consignment or package was dealt with throughout the time it was in its possession or control, but if negligence or misconduct on the part of the railway administration or of any of its servants cannot be fairly inferred from such disclosure, the burden of proving such negligence or misconduct shall lie on the consignor.

74E. *Liability of two or more railway administrations for through traffic,*—When any animals or goods tendered to a railway administration for carriage by railway have been booked through over the railways of two or more railway administrations or over one or more railway administrations and one or more transport systems not belonging to any railway administration, the person tendering the animals or goods to the railway administration shall be deemed to have contracted with each one of the railway administrations or the owners of the transport systems concerned, as the case may be, that the provisions of sections 73, 74A, 74B, 74C, 74D and 75 shall apply, so far as may be, in relation to the carriage of such animals or goods in the same manner and to the same extent as they would have applied if the animals or goods had been carried over only one railway administration:

Provided that—

(*i*) where there is a deviation in the route by which the animals or goods are to be carried, such deviation was due to a cause over which the railway administration, or the owner of the

transport system concerned, as the case may be, had no control;

(*ii*) for the purpose of making the provisions of section 74C or section 74D applicable, the benefit of the railway risk rate and the owner's risk rate was available in the alternative to the sender on each of the railway administrations or transport systems concerned at the time of the tender."

11. Amendment of section 75, Act IX of 1890.—In section 75 of the said Act,—

(*i*) in sub-section (1) for the words "to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway and, if so required by the administration paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk", the words "to be declared in writing or declared them in writing at the time of the delivery of the parcel or package for carriage by railway, and if so required by the administration, paid or engaged to pay in writing a percentage on the value so declared by way of compensation for increased risk" shall be substituted;

(*ii*) in sub-section (2), the words " and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation" shall be omitted.

12. Substitution of new section for section 76, Act IX of 1890.—For section 76 of the said Act, the following section shall be substituted, namely :—

"76. *Burden of proof in suits for compensation.*—In any suit against a railway administration for compensation for any delay, loss, destruction, deterioration or damage, the burden of proving—

(*a*) in the case of animals, the value thereof, or the higher value declared under section 73, and, where the animal has been injured, the extent of the injury; or

(*b*) in the case of any parcel or package the value of which has been declared under section 75, that the value so declared is its true value, shall lie on the person claiming the compensation, but, subject to the other provisions contained in this Act, it shall not be necessary for him to prove how the delay, loss, destruction, deterioration or damage was caused."

13. Insertion of new sections after section 82A, Act IX of 1980.—In Chapter VII of the said Act, after section 82A, the following sections shall be inserted, namely :—

"82B. *Claims Commissioners.*—The Central Government may, by notification in the official Gazette, appoint any person to be a Claims Commissioner for such local area as may be specified in the notification.

82C. *Application for compensation.*—(*1*) An application for compensation under section 82A arising out of any accident of the nature specified therein may be made—

(*a*) by the person who has sustained the injury or suffered any loss, or

(*b*) by any agent duly authorised by such person in this behalf, or

(*c*) where such person is a minor, by his guardian, and

(*d*) where death has resulted from the accident, by any dependant of the deceased.

(*2*) No application for compensation under this section shall be entertained unless it is made within three months of the occurrence of the accident, but the Claims Commissioner may on good cause shown allow any application to be made at any time within one year of such occurrence.

(*3*) If in an application for compensation under this section, any person makes a statement which is false and which he knows or believes to be false or does not belive to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation.—In this section, the word "dependant" has the meaning assigned to it in clause (*d*) of section 2 of the Workmen's Compensation Act, 1923 (VIII of 1923).

82D. *Procedure and powers of Claims Commissioners.*—(*1*) In inquiring into and determining any claim for compensation payable under section 82A, the Claims Commissioner may, subject to any rules that may be made in this behalf, follow such summary procedure as he thinks fit.

(*2*) The Claims Commissioner shall have all the powers of a Civil Court for the purpose of taking evidence on oath (which the Claims Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the discovery and production

of documents and material objects and the Claims Commissioner shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).

(*3*) Subject to any rules that may be made in this behalf, the Claims Commissioner may, for the purpose of determining any claim for compensation choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist him in holding the inquiry.

82E. *Interim orders for compensation.*—(*1*) Where, in the opinion of the Claims Commissioner, circumstances exist which require relief to be afforded to an applicant for compensation immediately, he may, pending determination of the actual amount of compensation payable, direct the railway administration to deposit with him forthwith such sum as he considers reasonable for affording such relief:

Provided that the Claims Commissioner is satisfied, that—

(*i*) no grounds exist for doubting the correctness of the facts stated by the applicant;

(*ii*) on the facts so stated, if proved, the applicant would be entitled to compensation; and

(*iii*) the amount of compensation directed to be paid under this section is not likely to exceed the actual amount of compensation that may ultimately become payable.

(*2*) Any sum directed to be paid under sub-section (*1*) by way of *interim* payment shall be deducted from the amount of compensation that may ultimately become payable.

82F. *Liability to pay compensation, etc., to be decided by Claims Commissioners.*—(*1*) Any question as to the liability of the railway administration to pay compensation, under section 82A, or as to the amount thereof, or as to the person to whom such compensation is payable, shall be decided by the Claims Commissioner.

(*2*) Any person aggrieved by a decision of the Claims Commissioner refusing to grant compensation, or as to the amount of compensation granted to him, may prefer an appeal to the High Court having jurisdiction in the place where the accident occurred:

Provided that nothing in this sub-section shall be deemed to authorise the High Court to grant compensation in excess of the limit specified in section 82A.

(*3*) The period of limitation for an appeal under this section shall be ninety days.

(*4*) The provisions of section 5 of the Indian Limitation Act, 1908 (IX of 1908), shall be applicable to appeals under this section.

(*5*) Subject to the decision of the High Court in cases in which an appeal is preferred under sub-section (*1*), the decision of the Claims Commissioner on any question referred to in sub-section (*1*) shall be final and shall not be called in question in any Court.

82G. *Recovery and payment of compensation.*—(*1*) A railway administration shall comply with an order for compensation, including an *interim* order for compensation under section 82E forthwith by depositing the amount of the compensation with the Claims Commissioner.

(*2*) Where any compensation has been deposited as required by sub-section (*1*), the railway administration shall, notwithstanding anything in any other law for the time being in force, be discharged from all liability to any person whatsoever in respect of any compensation so deposited.

(*3*) Any compensation deposited with the Claims Commissioner under section 82E or this section shall, with the least possible delay, be paid to the applicant for compensation to whom it is payable.

(*4*) Where there are more applications than one for compensation, the compensation may be apportioned amongst the applicants in such manner as the Claims Commissioner thinks fit, or may be allotted to the applicant who in the opinion of the Claims Commissioner is best entitled thereto:

Provided that the Claims Commissioner shall in any case in which he proposes to proceed under this sub-section require as a condition precedent to the granting of compensation that the person to whom the compensation is to be paid shall give to the Claims Commissioner a bond with one or two sureties, or other sufficient security, for rendering an account of the compensation received by him and for indemnity of persons who may be entitled to the whole or any part of the compensation.

(*5*) The Claims Commissioner may, on application made to him by petition and on cause shown to his satisfaction, and upon such terms as he thinks fit, assign the bond or other security given under sub-section (*4*) to some proper person, and that person shall thereupon be entitled to sue thereon in his own name as if it had been originally given to him instead of to the Claims Commissioner, and to recover,

as trustee for all persons interested, such amount as may be recoverable thereunder.

82H. *Saving as to certain rights.*—Nothing contained in the foregoing sections relating to the right of any person to claim compensation under section 82A shall affect the right of any such person to recover any compensation payable under the Workmen's Compensation Act, 1923 (VIII of 1923), or any other law for the time being in force or under any contract or scheme providing for payment of compensation for death or personal injury or for damage to property or any sum payable under any policy of insurance.

82I *Bar of certain legal proceedings.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of sections 82A to 82H inclusive or of any rules made under section 82J.

82J. *Power to make rules.*—(*1*) The Central Government may, by notification in the official Gazette, make rules to carry out the objects of sections 82A to 82H inclusive.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*i*) the qualifications and conditions of service of Claims Commissioners;

(*ii*) the nature of the injury for which and the rates at which compensation shall be payable;

(*iii*) the rates at which compensation shall be payable for death or total disablement;

(*iv*) the manner in which claims for compensation may be inquired into and determined by the Claims Commissioner;

(*v*) the matters in respect of which any person may be chosen to assist the Claims Commissioner under section 82D, and the functions exercisable by such person;

(*vi*) generally for the effective exercise of any powers conferred on the Claims Commissioner."

(*3*) All rules made under this section shall be laid before the Dominion Legislature as soon as may be after they are made."

14. Amendment of section 106, Act IX of 1890.—In section 106 of the said Act, for the words "ten rupees" the words "fifty rupees" shall be substituted.

15. Substitution of new section for section 114, Act IX of 1890.—For section 114 of the said Act, the following section shall be substituted, namely—

"114. *Penalty for transferring season ticket or any half of a return ticket.*—If a person sells or attempts to sell, or parts or attempts to part with the possession of, any season ticket or any half of a return ticket, in order to enable any other person to travel therewith, or purchases such season ticket or half of a return ticket, he shall be punishable with fine which may extend two hundred rupees, and if the purchaser of such season ticket or half of a return ticket, travels or attempts to travel therewith, he shall be punishable with an additional fine which may extend to the amount of the single fare for the journey authorised by the ticket."

16. Insertion of First Schedule in Act IX of 1890.—In the said Act, the following shall be inserted as the First Schedule, namely :—

"THE FIRST SCHEDULE.

(*See* section 73.)

Limits of responsibility of railway administration for loss, destruction or deterioration of animals when higher value has not been declared in the forwarding note.

(1) *Description of animals*	(2) *Limit of responsibility of railway administration.*
Elephants	Rs. 1,500 per head.
Horses	Rs. 750 per head.
Mules, horned cattle or camels	Rs. 200 per head.
Dogs, donkeys, goats, pigs, sheep or other animals not mentioned above, or birds.	Rs. 30 per head.

K. V. K. SUNDARAM,
Secretary.

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